



# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

**WEDNESDAY — MAY 11, 2005 - 7:30 PM**  
**TENTATIVE AGENDA**

### CALL TO ORDER

### ROLL CALL

### ANNUAL MOBILE HOME PARK REVIEW:

- A. SARIS MOBILE HOME PARK – UNION AVENUE

### REGULAR ITEMS:

1. **P & J PROPERTIES, LLC (04-33) - MERTES LANE** – Proposed site plan for storage buildings and addition to existing construction building site (**TAROLLI**)
2. **NEW WINDSOR BUSINESS PARK SITE PLAN (05-14) RT. 300 (DEWKETT)**  
Proposed new construction of 25,600 s.f. office building.
3. **FARICELLIA'S MARKET (JACOPINO) SITE PLAN (05-12) WALSH AVE. (COPPOLA)** Proposed addition to second floor of existing deli/market for two new apartments.
4. **SHADY DELL SUBDIVISION (05-13) MT. AIRY ROAD (CUOMO)**  
Proposed 4-lot residential subdivision.
5. **BEATTIE R. ASSOCIATES SUBDIVISION (05-11) BEATTIE ROAD (MERKEL)**  
Proposed 4-lot residential subdivision
6. **FIRST COLUMBIA SUBDIVISION (05-200) HUDSON VALLEY AVE. (BETTE)**  
Proposed 2-lot subdivision.
7. **FIRST COLUMBIA SITE PLAN (05-201) HUDSON VALLEY AVE. (BETTE)**  
Proposed construction of 311 condominium units .

### REAPPROVAL:

8. **OAKWOOD TERRACE OFFICE BUILDING (01-61) OAKWOOD TERRACE (COPPOLA)** Previously approved 5-8-02

### ADJOURNMENT

**(NEXT MEETING –MAY 25, 2005)**

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TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 11, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
NEIL SCHLESINGER  
JERRY ARGENIO  
ERIC MASON  
JOSEPH MINUTA

ALTERNATES: DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call to order the May 11, 2005  
meeting of the New Windsor Planning Board. Please  
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was  
recited.)

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ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW

SARIS\_MOBILE\_HOME\_PARK\_-\_UNION\_AVENUE

MR. PETRO: Annual mobile home park review, Saris  
Mobile Home Park, is someone here to represent this?  
We'll come back to it, give them time to show up.

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REGULAR ITEMS: \_\_\_\_\_

P & J PROPERTIES, LLC (04-33) \_\_\_\_\_

Mr. Al Mercurio appeared before the board for this proposal.

MR PETRO: P & J Properties, LLC, Mertes Lane. Proposed site plan for storage building in addition to existing construction building on site. Application proposes a storage building canopy and shed at the existing site with some additional site modifications are also proposed. Plan was previously reviewed at the 8 December, 2004 and 23 February, 2005 planning board meetings. PI zone, amendment of the former Schmidt and Buhl site plan. We issued a lead agency coordination on 12/22/04 and lead agency on 2/23/05, negative dec was declared, SEQRA is complete. Referred to Orange County Planning Department for review. Approval has been received, some outstanding comments from the last review, bulk table correction has been corrected, barrier protection for the propane tank has been added, combination of tax lots, reference note number 8 proof of consolidation should be submitted between the vote of approval and stamp of approval and wetlands permit complete, application notification received 3/15/05, permit should be obtained from the DEC before any work is started with the following conditions, proper combination of lots. Do you have that?

MR. MERCURIO: Not as of yet but we will prepare the documents.

MR. PETRO: Submittal of the bond estimates, fresh water permit, we just said that, and payment of fees.

MR. MERCURIO: We do have the permit from DEC, the wetland permit I believe a copy was sent to you, I have an additional copy here.

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MR. PETRO: So Mark that one's done.

MR. EDSALL: Okay.

MR. PETRO: Any other changes to the plans since the last couple times we've seen it? If so, do you want to go over those changes?

MR. MERCURIO: No additional changes other than what you mentioned, the barriers and the additional note merging the lots, so it's the same plan.

MR. PETRO: Mark, we've seen this a number of times now, is there anything else you want to go over except for the couple of comments that you made cause I don't want to keep going over and over the same thing?

MR. EDSALL: No, in good shape.

MR. PETRO: Highway approval 5/11 and fire on 5/11/2005. Any of the board members have anything to add or say onto this application?

MR. ARGENIO: We've seen this quite a few times as I remember.

MR. PETRO: I think what we can do is just do a final subject to the remaining three bullets which I can read in.

MR. ARGENIO: I'd like to make a motion for final approval of the P & J Properties site plan amendment on Mertes Lane subject to Mark's three bullets and item number 5 which the chairman will read.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the P & J Properties LLC on Mertes Lane with the

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subject-tos, submittal of proof of proper combination of lots prior to the stamp of approval, submittal of the bond estimate in accordance with Chapter 137 and payment of all fees. Any further discussion from any of the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

NEW\_WINDSOR\_BUSINESS\_PARK\_SITE\_PLAN\_(05-14)

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Ms. Kathy Dewkett appeared before the board for this proposal.

MR. PETRO: Application proposes the construction of a 25,600 square foot office building on the 2.45 acres site. Plan is before the board for a concept review only. Office use is permitted use for A-1 zone, the bulk table is correct with the following corrections needed. Get a copy of Mark's comments?

MS. DEWKETT: Not yet.

MR. PETRO: Get one of those so you can take care of the necessary bulk table comments. The site plan as proposed appears to comply with all bulk requirements. Why don't you tell us briefly what you want to do. This is next to or behind New York Life, there's three lots I think behind there, correct?

MS. DEWKETT: Yeah, there's three lots, this is actually your community center, ambulance right here so this is the parking lot where New Windsor Business Park Associates gave an easement so that you can build this parking lot to service this building, I believe.

MR. SCHLESINGER: Is this also where the temporary trailer office is?

MS. DEWKETT: No, the trailer office is down here.

MR. PETRO: Closest to us.

MS. DEWKETT: Right, this is the lot just in the back, I get turned around in this building, but I think it's just back here.

MR. EDSALL: Immediately behind the community building.

MR. PETRO: For concept plan only so--

MR. SCHLESINGER: So it's not on 300, it's set back?

MS. DEWKETT: Right, it's the lot furthest in, this is the I guess the IRS building right here. My name is Kathy Dewkett. We'll have a site map and tax maps and all that on our cover sheet. So this is the building here, like Jim said, it's 25,600 square feet single story multi-tenant office building. So the bulk table we're providing one over the parking requirements, we meet all of the minimum setbacks and everything about that. We meet the maximum lot coverage, maximum lot coverage is 85 percent and we're in at 73 percent. The one issue we have left to figure out is storm water management. What we're looking to do is possibly do a retention pond because New Windsor Business Park Associates owns this lot and the lot right on 300 we're looking at possibly doing a retention basin, temporary wet pond that would be able to retain all three of the undeveloped lots, so design it for all three lots but, you know, either build it in stages or build it and it would only service this one lot right here. What we're planning to do though right now there's some drainage that's coming off of this property here actually onto our lot and we're planning to pipe that directly to there's a large 60 inch diameter culvert that runs under Route 300 near the restaurant so we're planning to just pipe that directly down.

MR. PETRO: What about that, Mark, we were talking out in the hallway there prior to the meeting, you know, we have new regulations where all the storm water has to be treated, this is a pre-existing condition to this lot which comes from the Town Hall property and from Mr. Miller's IRS building, there's a third pipe that comes onto the site, if you're going to do the retention pond probably should be fed into that and then into the system, if they're going to do an underground system on this site, then we would have to



revise that idea, I don't know.

MR. EDSALL: We'll look at it with Kathy, it's clearly there's some flow that's based on flows that were directed for projects that were not subject to the Phase 2 regulations but we've got the new site which has to be but we'll work out I believe a fair approach with Kathy.

MR. PETRO: I'm interested to know for myself would it fall within the idea of the law that you can still take those other culverts or pipes that are coming onto the property, discharge them untreated into the other 60 inch?

MR. EDSALL: I don't believe you need to treat flow for pre-existing sites. But if you're taking it into a system that's being designed to handle the Phase 2 regulations, we have to worry about the hydraulics, it's a matter of how we're going to get flow through and not overtax the system she's designing for these three lots.

MS. DEWKETT: When I worked for, before I opened my own firm, I worked for the firm that did the overall subdivision of this and we had come up with the drainage plan that at that time the drainage report that at that time met the current regulations which was designed for 25 year storm and, you know, everything flowed, they're fairly flat pipes but they do flow to the 60 inch culvert that's what we're planning to do with all the water that comes onto our site from our project is already approved, just get those to that 36 inch or to the 60 inch culvert.

MR. PETRO: This is only my opinion and Mark you should review this as the third way is if you build a retention pond on the bottom lot, take those three outlets and feed them into the retention pond first instead of directly into the 60 inch underneath 207.

MS. DEWKETT: If we can get the grades to work. The problem is that these three pipes are lower than what we're expecting our pipes to be.

MR. PETRO: Well, if the retention pond is all the way on the bottom you should be able to get to it.

MS. DEWKETT: The bottom topographically is right in this area here, we originally thought we might be able to do it down where the trailer is and have that as a nice area there but that part is actually about 4 feet higher than this low spot here so I did a little bit of hydraulic calculations and the whole system just to get it down there will practically be under water, the whole system would end up as your hundred year storage area the whole piping system because of the grades getting it down to there. So what we can do now is in this area in here might be the best area but again these pipes, these existing pipes might be too low to get them there into the retention system and still have it work as a retention system.

MR. EDSALL: What you're proposing is to have water quantity and quality provisions for the three lots you want to develop but just pass through the flow for existing sites?

MS. DEWKETT: Exactly.

MR. EDSALL: I don't think that's a problem.

MS. DEWKETT: Make sure that it meets the regulations in terms of safely, pass the hundred year storm, but don't do the water quality treatment.

MR. PETRO: I just had another member tell me the same thing, I'm not disputing that, I'm not saying that's not the way to go, I'm saying but if you can go another way to examine that it would be better, that's all. If

you can't, you can't.

MR. EDSALL: If it can be done.

MS. DEWKETT: We're dealing with pipes that are at really minimum slopes here just to get it to flow. I think the plans as we submitted also had a landscaping plan so basically we're going to continue the trees that are along the street, continue those street trees, have some planting up near the building either possibly as a planting strip right up into the building or possibly maybe container plants and then also have some other landscaping.

MR. PETRO: What size or the sidewalks around the building?

MS. DEWKETT: They're five feet, from five feet minimum I believe from the back fix of the curb so not including the curb.

MR. PETRO: All the spots are 9 x 19?

MS. DEWKETT: And the spots are 9 x 19. The handicapped aisle we also made 9 feet wide.

MR. PETRO: Is this your dumpster enclosure in the west end?

MS. DEWKETT: Down here, right, 17 x 22 concrete pad with slightly smaller dumpster enclosure.

MR. PETRO: So Mark what are we looking at? You have a bunch of bullets here, I'm not going to go over all of them.

MR. EDSALL: It's their initial presentation.

MR. PETRO: We don't have anything back here.

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MR. EDSALL: If you're comfortable with the layout, we can have them continue with the design.

MR. PETRO: Assume lead agency. Take a motion.

MR. ARGENIO: Motion that we assume lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the New Windsor Business Park site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: It will have to go to Orange County Planning Department.

MR. EDSALL: You have no problem with this plan going out layout wise?

MR. PETRO: No, I think the layout is fine. There's no variances required for any setback, the coverage is fine, the height.

MR. EDSALL: I'll coordinate that with Myra.

MR. PETRO: You're going to have to work, I think your biggest hurdle as we talked earlier is going to be the storm water. You're going to tie the roof drains into the storm water?

MS. DEWKETT: Yes.

MR. PETRO: Okay, thank you.

MS. DEWKETT: All right, could I ask if would it be permissible for my client to proceed trying to get the building plans reviewed?

MR. BABCOCK: Sure, we can do that.

MS. DEWKETT: Okay, great, thank you.

MR. PETRO: I'm going to schedule a public hearing for this at some point so I know it's in the zone and it's permitted. I'd just rather have it and be done with it.

MR. BABCOCK: You want to do that now?

MR. EDSALL: Why don't you authorize it now?

MR. PETRO: Take a motion to have a public hearing.

MR. ARGENIO: I'll make that motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the New Windsor Business Park site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

FARICELLIA'S\_MARKET\_SITE\_PLAN\_(05-12)

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Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: Application proposes two additional apartment units in a second story on the existing deli building. This plan was reviewed on a concept basis only. Property is in R-4 zone district of the Town, the deli just is pre-existing and non-conforming use, multi apartment use is non-conforming in the zone and this application increases the non-conformity, referred to the zoning board for a use variance. Just briefly.

MR. COPPOLA: I'll be real brief because I know we're here for a referral tonight. Basically, what we're doing is adding two apartments, two dwelling units to the second floor of the existing structure, those two units will take up the entire second floor. Basically everything that's on this site remains. There's the existing deli on the first floor approximately 2000 square feet, there are two existing apartments, one on the lower level, one on the back of the first floor and then there's a third existing apartment in a detached structure here on this T shaped portion of the lot. So we have confirmed with the tax assessor's office that this is one lot so there's three dwelling units, we're going to add two so a total of five. The other thing we're proposing right now that's the only on-street, the only parking that's basically a few parking spaces for the deli customers right directly off Walsh Avenue, those will remain. We're proposing an 8 space parking lot area in the rear accessible off the rear drive near Clancy Avenue, a portion of that, those spaces will go onto the adjoining property. We've already obtained written permission from the property owner there. That will allow a little better access from these rear dwelling units than they have right now.

MR. ARGENIO: So you're putting parking places for this

existing one story frame building on the other guy's property?

MR. COPPOLA: We're putting all our residential parking spaces.

MR. ARGENIO: On somebody else's property?

MR. COPPPOLA: It goes over by 12 feet.

MR. ARGENIO: Okay.

MR. COPPOLA: So--

MR. PETRO: What size is this lot, Anthony?

MR. COPPOLA: It's right there, it's, well, a fifth of an acre, 9,000 square feet.

MR. PETRO: What's R-4 allow, Mark?

MR. EDSALL: On which?

MR. PETRO: What's our R-4?

MR. BABCOCK: Single family.

MR. PETRO: Let me ask you something, I know he's been here before, I'm going try to do this not rudely, you now have a deli and three apartments, existing apartments on 1/5 of an acre where it's, the correct zoning is one single family, so you have non-conforming use of a deli and then in reality two extra apartments, you're allowed one, if you want to count that as a home. So you have a deli and apartment's already over the use that's provided for that zone and forget about that it's a fifth of an acre, I mean, now it's 80,000 feet, you've got a fifth of an acre which is how many feet?

MR. COPPOLA: It's 9,000 square feet.

MR. PETRO: That's the entire site and you want us to send you to the zoning board for a use variance which is extremely hard for two more apartments in that site in which you're going to put parking 12 feet over on somebody else's property?

MR. COPPOLA: All that is correct, I understand the threshold of a use variance and I think my clients do too and they have been advised not just through me but through their attorney and I think they understand all these things and I think they have also taken a look at some of the other existing properties on Walsh Avenue, I believe Walsh Avenue is a real mixed bag of different things.

MR. PETRO: That may be true but it's an old area of Town, could be a chicken farm there, doesn't mean you can have a chicken farm now. I talked to somebody some time ago and I thought it was ridiculous, I don't know if it was you or the owner or whoever it was and I still think it's absolutely ridiculous, it's a waste of everybody's time but you're here and what we'll do is we'll refer you to the zoning board with a negative recommendation from this board and I will tell you this that if you do by some miracle get a use variance I'll do a swan dive off here if you get it.

MR. COPPOLA: We wouldn't ask you to do that.

MR. PETRO: I don't know if this board will review it so I'm telling you I think it's ridiculous and I hate to be so negative about something but I couldn't of said it better, you have a deli which is non-conforming, two extra apartments you're allowed in, not three, that's two too many and you want to put two more upstairs and put the parking on somebody else's property.



MR. COPPOLA: I fully understand all that, I understand the use variance, I understand the threshold is extremely difficult, there's five things under the state law that you have to prove, I believe, but they have been advised by an attorney too and they're pursuing what needs to be pursued to make that justification.

MR. PETRO: If you do get the use variance and come back we're not going to accept the parking, we don't accept parking on somebody else's property, you'll have to demonstrate parking for the other units on your property.

MR. COPPOLA: Well, I appreciate it if you make your recommendation with that so the zoning board knows that.

MR. PETRO: Well, it's in the minutes now. There's no way we're going to accept parking, we cannot accept parking on another property, I don't care if you have a letter from them, it could be in probate, something could happen later where the new owner says you can't have this anymore, then you have eight spots that are four feet deep, just not too good.

MR. BABCOCK: Just let me add one thing if the parking is this way and you don't, you're not going to accept that parking, they're going to require a parking variance also cause they don't have--

MR. PETRO: Well, there's no parking.

MR. BABCOCK: That's what I'm saying.

MR. SCHLESINGER: You have to go to the zoning board for that.

MR. PETRO: I would suggest, Paul, did you draw these plans?

MR. COPPOLA: No, we drew these plans.

MR. ARGENIO: He either has to get a parking variance or somehow purchase the property.

MR. COPPOLA: I think the use variance is part of that, in other words.

MR. SCHLESINGER: If they don't get the use, they won't need the parking.

MR. COPPOLA: Correct.

MR. PETRO: While you're there, you don't want to come back here, I refuse to look at it because of the parking, if you get the use variance, I may or may not take a serious look at it, but definitely not with that parking, you may want to go for a parking variance for some reason, I don't know where or how.

MR. COPPOLA: Well, I would say, I mean, instead of the 8 you're going to get three spaces here to conform to that space so--

MR. PETRO: This is some plan that you have here, I mean, this is really over the top.

MR. SCHLESINGER: Let's just refer it.

MR. PETRO: I want to refer it with the right information.

MR. ARGENIO: I think the minutes reflect the flavor, Jim, at this point in time. I agree with you, for the record.

MR. PETRO: All right, I'll send you to the zoning board, if you come back and it's not with the correct variance, you may have to go back again or we'll review

it at that time.

MR. COPPOLA: Well, Mr. Chairman, that's the reason why we're here, just so we get the correct variances so we can proceed.

MR. PETRO: I think you should also then I would suggest that you put the correct number of spots that you can fit in that space on your own property and go for a variance on the balance cause I wouldn't review that, I can't review it, it's, why you would draw that, I don't know, whether you have permission from them or not.

MR. COPPPOLA: We thought that was acceptable but if it's not, we'll change it.

MR. PETRO: Change it and whatever parking variances you need for your request I would add that to your list. All right, entertain a motion to send Faricellia's Market site plan to the New Windsor Zoning Board for final approval.

MR. ARGENIO: I'll make a motion for final approval for Faricellia's Market.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Faricellia's Market site plan on Walsh Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	NO
MR. MINUTA	NO
MR. SCHLESINGER	NO
MR. ARGENIO	NO

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MR. PETRO NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you're successful in receiving those variances, you can then appear before this board again and I want you to know that we're sending you there with a negative recommendation.

MR. COPPOLA: Understood. Thank you.

SHADY\_DELL\_SUBDIVISION\_(05-13)

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Mr. Paul Cuomo appeared before the board for this proposal.

MR. PETRO: This application proposes subdivision of 22.2 acre parcel into five single family residential lots, plans were reviewed on a concept basis only, property is in an R-3 zone district of the Town, the bulk table of the plan is complete and reflects current required values. Wow, a winner. Each lot appears to comply with the requirements with the exception of the following concerns, lot width for number 3, correct lot width values for all lots, lot number 1 front yard value indicated in the bulk table, correct lot width values for all lots. Why do you have that wrong, Paul?

MR. CUOMO: That was at the last workshop, everything has been corrected. We corrected that.

MR. PETRO: Before I go through all this, tell us what you want to do there.

MR. CUOMO: Well, basically, what this is is a previous farmland.

MR. PETRO: Where is your site location?

MR. CUOMO: Mt. Airy Road, up in the end of Mt. Airy Road, basically a farm and what we're going to do here is 4 lot subdivision and you can see the overall here.

MR. PETRO: Do you have an existing house already?

MR. CUOMO: We have an existing house in the back here, farmhouse, original farmhouse, but in the front here we have divided up into four lots, I have a better map of that. Here's a blowup of what we're doing on here and we have attempted to follow all the zoning.

MR. PETRO: Doing all the lots with septic and well?

MR. CUOMO: Oh, no, no, we'll get into that, we're going to have septic, our septic turned out very well but we're going to have, we're going to hook up to the Town water as we're in a water district and we're going to as you can see we're going to have four water lines coming down into the main water line in the front of the project.

MR. PETRO: Each house is going to have their own water tap down to the main?

MR. CUOMO: Yes, sir, that way we're not expanding the water district or anything like that, we're just tapping into what we've got.

MR. PETRO: Why is your cul-de-sac 60 foot radius on one side and 50 on the other, which one is it?

MR. CUOMO: Sixty on one side.

MR. EDSALL: One looks to be to the right-of-way and one is the pavement. Tough to read cause the lines are light.

MR. PETRO: Right-of-way is bigger than the property line.

MR. CUOMO: We don't anticipate any--

MR. PETRO: You're not crossing any wetlands, nothing to do with wetlands on this application?

MR. CUOMO: No and we don't have any lights.

MR. PETRO: Creating any setback problems with any of your signs at all? Looks like everything is in the envelope.

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MR. CUOMO: Yeah.

MR. PETRO: What's the smallest lot size?

MR. CUOMO: 81,675.

MR. ARGENIO: Mark, the 100 percent expansion of the septic areas, is that standard nowadays or is it 50?

MR. EDSALL: It's normally 50.

MR. ARGENIO: Why is it 100?

MR. CUOMO: We just do it designer's choice.

MR. EDSALL: Probably just being conservative.

MR. CUOMO: We're being conservative.

MR. ARGENIO: Well, in that area of Town there's always a perc issue of some sort or another.

MR. CUOMO: We got good percs out there.

MR. PETRO: Did we do lead agency? Motion for lead agency.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Shady Dell major subdivision off Mt. Airy Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON                      AYE

MR. MINUTA                    AYE  
MR. SCHLESINGER            AYE  
MR. ARGENIO                AYE  
MR. PETRO                   AYE

MR. SCHLESINGER: House in the back has access off Mt. Airy existing?

MR. CUOMO: Yes.

MR. PETRO: There's about seven or eight bullets from Mark that I think you should go over. Conceptually, does anybody have a problem with the layout?

MR. ARGENIO: No.

MR. PETRO: I think it's pretty straightforward, it's rather a small subdivision.

MR. EDSALL: Paul, one other comment which I apparently looked at the wrong number on your lot width, I asked you to check all the lot widths cause they seem to be measured incorrectly, but lot 5 needs to meet the 175, not the 125, so that one's coming up a little short as well, so you need to make sure that's made conforming, the big one.

MR. BABCOCK: It's got to have 175 foot at the front yard setback line.

MR. PETRO: All the water line paths are going down the road or they're going directly on the property that the homeowner owns?

MR. CUOMO: Right.

MR. PETRO: So there's no easements?

MR. CUOMO: No, easements no.



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MR. PETRO: Front two go directly out and the other ones are going down the road?

MR. CUOMO: Right.

MR. PETRO: That's fine. You have to have the perc tests witnessed. I was going to ask you that earlier and I guess they haven't been. Who did them, yourself?

MR. CUOMO: Yeah, we did them.

MR. PETRO: You have to call Mark's office, tells you where to call and who to ask for and they have to witness them so there's no problem later on.

MR. CUOMO: We've done that before, we're used to that.

MR. PETRO: The rest are self-explanatory so take this with you, take a copy of it, go over it. Conceptually, the plan looks fine. Thank you.

MR. CUOMO: Thank you.

BEATTIE\_ROAD\_ASSOCIATES\_SUBDIVISION\_(05-11)

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Mr. Robert Nickelson appeared before the board for this proposal.

MR. PETRO: Proposed four lot residential subdivision. This application proposes subdivision of 103 acre parcel into five single family lots. Property is R-1 zone of the Town, bulk information shown on the plan is correct for the zoning use, this application received extensive reviews as part of a previous application, percolation tests were already witnessed, planning board may wish to assume lead agency, mandatory public hearing for a major subdivision. Bring us up to date with this one. Where is this?

MR. NICKELSON: We're done, I think we're done at this point and it's almost ready to go.

MR. PETRO: So you have nothing else to add?

MR. NICKELSON: No.

MR. EDSALL: It's ready for the mandatory public hearing.

MR. PETRO: Let's do a motion for lead agency.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Beattie Road Associates major subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I guess these perc tests were witnessed and the information is on the map and I think we're going to just authorize a public hearing and then we'll go over it at that time cause there's no other bullets, I guess we've seen it a number of times.

MR. ARGENIO: I'll make a motion we schedule the public hearing for Beattie Road Associates major subdivision.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing and authorize the public hearing for the Beattie Road Associates LLC major subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We'll have a public hearing and go from there, check in with Myra and she'll give you the dates and times. Thank you very much.

FIRST\_COLUMBIA\_SITE\_PLAN\_(05-201)

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Mr. Chris Bette appeared before the board for this proposal.

MR. PETRO: What do you want to do there?

MR. BETTE: I'd like to discuss the whole project, we're in front of this board for a two lot subdivision and a site plan discussion.

MR. PETRO: You want to do the whole thing?

MR. BETTE: I'd like to present the whole project to you.

MR. PETRO: So what we'll do then, let me change it around, we're going to do the second one first, then we'll go back to the subdivision. All right, so this is proposed construction of 311 condo units, so we're going doing the site plan first. Application before the board for a concept review only. All right, give us a, I guess just an overview of what you want to do here. You have some comments from Mark that you can look at but there's not really that many.

MR. BETTE: My name is Chris Bette with First Columbia. With me tonight are two engineers from Mazer Consulting, Jody Pecco (phonetic), Andrew Fetterson (phonetic), we're here tonight to present to the board a 311 unit condominium style residential development called West Hills at our site, New York International Plaza over by the airport. West Hills is basically the west side of the hill where the reservoir, Town of New Windsor reservoir sits at the top. We designed a private development meaning private roads, private utilities all servicing 311 various style condominiums. We haven't worked out the architectural details quite yet, we've just shown some conceptual boxes to demonstrate that we can get the 311 units on this 50

acre parcel. The parcel is located in the AP1 zoning district, multi-family, it's a permitted use with special permit by this board. Again, private roads coming connecting to the municipal roads, World Trade Way, Hudson Valley Avenue, London Avenue are all Town roads, utilities are located, municipal utilities are located today in World Trade Way and Hudson Valley Avenue, we intend to connect to those municipal utilities and run the rest of the utilities through the development as private utilities. Storm water is going to be managed on site through a series of closed drainage systems into open detention ponds along the site, it's pretty cut and dry. I think you're familiar with the site, it's wooded today, there's some office buildings in and around on the north side and 207 over here just to orient yourself.

MR. PETRO: How many access points, Chris?

MR. BETTE: We're proposing three access points, one from World Trade Way, one from London Avenue and one from Hudson Valley Avenue.

MR. ARGENIO: Is McGoey, Hauser and Edsall's office on this map?

MR. BETTE: This building here.

MR. PETRO: Now I see you have units basically as blocks just laid out there, you want the units that are there now, you don't have any garbage buildings yet, such as the ones that are in Washington Green, retention ponds, that's not definite where they're going to be located.

MR. BETTE: That's just a concept, those have to be sized and they're going to be positioned on the site where they fit but the new Phase 2 regulations that you were talking about tonight there's some serious calculations that need to be made to make sure that

they can handle the post-development flows. Regarding the garbage enclosures, we intend on providing enclosures for the garbage facilities, we've shown them on the map in conjunction with some additional visitor parking and additional parking locations for dumpsters, mailboxes, things like that.

MR. PETRO: That's going to be another thing the board will be looking for is some serious visitor parking spots and I want to make it clear that you may or may not have to lose a few of the units to satisfy the board's concerns with the garbage enclosures and definitely with the visitor parking cause it seems to be a problem with every single condo project that we have in Town. There's always a problem where to park. I know that the regulations make an allowance for one spot for inside the garage also so that's part of the problem as far as I can see it that you have a spot in the garage, you have one in your driveway, then you have company come over and there's still nowhere to park. So we'll be looking for some additional parking spots and again, you know, I know as a developer you're not going to like to hear that but you're going to have to lose a unit here and there to accommodate what the Planning Board's going to require in that respect.

MR. BETTE: We have done the calculations, we need 700 and change for the 300 units and we have provided on site utilizing the clubhouse parking over 900 spaces.

MR. PETRO: I think though what I'm really trying to say, you and I talked about this before, I think the calculations, what you're saying is correct, I think in reality they fall short so we're going to be looking for some additional parking spots and especially these being upscale condos I've heard and you're going to want to be able to provide visitor park to the people who come to visit there and I think that the regulations allowing a parking space in the garage to me is faulty but that's the way it is.

MR. ARGENIO: Can I mention one thing, Mark, I see two force mains there, they feed the reservoir, do you know how deep they are roughly?

MR. EDSALL: I do not know.

MR. ARGENIO: Just a thought, there was an incident quite a few years ago where the City of Newburgh had a problem with a large distribution main people had built and planning board had approved several things close to the distribution main and to get to the main to make the repairs it became a huge, you probably remember, Mark, it was a huge massive three or four day operation just to get to the water mains to make the repairs. So if those mains are a substantial depth, you might want to, Mark, we might want to consider the distance of any proposed buildings to those mains.

MR. EDSALL: Not only that but performing site grading so we need to make sure that the site grading doesn't uncover the mains, once we have the site grading plan done, we'll sit with John Agido, have some as-built information, we'll figure out if we need to be relocated or good as is.

MR. PETRO: That's a good point, I remember the incident I think something was underneath the building, jacked up the building or something.

MR. ARGENIO: City of Newburgh was out of water for four or five days or some such thing.

MR. PETRO: These retention ponds, Chris, you actually have them in that location, I know there was some talk about utilizing something across the Jackson Avenue extension.

MR. BETTE: They haven't addressed that discussion any further than probably what you heard right now, we're

trying to manage it on our 50 acres.

MR. PETRO: What else do you want to tell us about this tonight? You're going to have architectural review for us to review, I know this is very early stages, we had talked about the buildings being brick, I understand there's going to be some certain requirements at that stage and other small little things, six inch gutters that I had talked to you about.

MR. ARGENIO: Every building has to have a hat, too, is that right?

MR. PETRO: Have a hat, yeah, I definitely like to see some overhangs to protect the buildings. This is, you know, again, I'm way ahead of myself but just giving you this information.

MR. BETTE: We have contemplated those kinds of comments in relationship to what we've seen down the street here and envision upscaling them quite a bit from what RPA did.

MR. PETRO: You're going to be selling this approved plan to a developer, correct?

MR. BETTE: Correct, we're, First Columbia is at this point in time trying to get, we're shovel ready in a sense that we have our environmental approvals in place, we're trying to get even more shovel ready to entice a developer here to step up and take control of this. Our business isn't into residential buildings, more the commercial side but we're familiar with this type of development and I think that we can design a plan that someone could come in and take over and build.

MR. PETRO: And you plan on naming that major developer in the near future?



MR. BETTE: We're still talking to several, we hope to have that nailed down shortly.

MR. PETRO: Okay, shortly like what, 30 days?

MR. BETTE: I'm hoping.

MR. PETRO: This land will be purchased from the Town and that agreement is still being refined as the exact acreage and the amount of moneys and part of the amount of moneys I guess it's going to be on the per unit price, so until we find out exactly what those units are it's hard to nail down the exact.

MR. SCHLESINGER: All this is being put on paper with the anticipation that everybody's going to be in agreement.

MR. BETTE: We have to work through all those issues so having it on paper is easier to identify.

MR. PETRO: And again you realize that the unit count is going to change, you're hearing me tonight that frankly I think it's going to be lowered so--

MR. EDSALL: Mr. Chairman, just one note that's progressed beyond what these plans show, during the workshop we had some conceptual discussions on the pros and cons of the portion of the Town roadway which is shown as World Trade Way, which is the name before they changed the road, name actually was Airport Center Drive from the intersection with World Trade Way which is actually a road that goes down the hill having the Town include in their sale that road because it's a burden on the Town to have a stub that has no turnaround, it would be we believe inappropriate for the Town to have a road that's going to have condos backing out onto the Town road, it really is a road that's consistent with the private development that's the subject of the balance of the project.

MR. ARGENIO: So the sale would include just that section of road directly adjacent?

MR. EDSALL: From the intersection up.

MR. PETRO: I think that should be passed the access point for the old headquarters or the officer's club.

MR. EDSALL: Well, Mr. Kroll doesn't want it there, he wants it to keep an easement so that at sometime later when that building is rebuilt, abandoned, reconstructed, whatever, we can remove that easement but he wants to only have the intersection at that point but we're just so you're aware that's an ongoing discussion, Henry was in full agreement with what we had talked about at the workshop and we'll bring that to the Town Board's attention as well.

MR. PETRO: You have to have access to the headquarters off the Town road.

MR. EDSALL: Currently it's off the intersection.

MR. BETTE: Currently they have an easement.

MR. BETTE: We don't have the proper lines shown but their parcel is this block here which they do today have frontage on World Trade Way and Jackson Avenue, their access is through an easement through this entranceway.

MR. PETRO: And that easement goes across that big parking lot too?

MR. BETTE: Goes across the parking lot to their building.

MR. SCHLESINGER: World Trade Way is still an access to your proposed plan here, isn't it?

MR. BETTE: What we're talking about is the potential of abandoning this portion of World Trade Way and making that private and therefore, these driveways that back up onto it would be part of the private road system and not the Town road system.

MR. SCHLESINGER: I see.

MR. PETRO: Especially if you're accessing the water off that road too you may have to do that.

MR. BETTE: Water is in the road today 8 inch line up to there's existing units there on the east side of the road.

MR. PETRO: The water line would have to be private to service those condos.

MR. BETTE: Yes.

MR. PETRO: So you'd want it beyond the private road.

MR. EDSALL: Chris, maybe you can, the other building cluster down the intersection is one that they're concerned about, they're going to try and eliminate that and redistribute those units, I didn't feel comfortable with the driveways backing out onto the corner.

MR. BETTE: We have a plan that we can show you tonight that kind of addresses those few comments.

MR. EDSALL: I think probably it's best to look at that after we have a grading plan, we've got a lot of work to do still.

MR. BABCOCK: One thing also for the applicant they're providing 117 visitor parking spaces. Are you going to give them direction on how many you want, on how many

you want that number to be, Jim? What they did is they have it's 2.5 spaces per dwelling unit is what the law is and they're above that but that's having one car in the garage and one car in the driveway.

MR. PETRO: Yeah, I'm not disputing that fact. I said it before, I know that it works legally and mechanically I'm saying in reality it's never enough so I know you're providing 117 over and above that.

MR. BABCOCK: Actually they're well over that too but actually it's 117 spaces for visitors.

MR. PETRO: Plus they're already over the required is what you're saying?

MR. BABCOCK: That's correct but just to give them some insight on what you might be looking for because that's going to be involved in the plan.

MR. PETRO: Something like 3,000 spaces.

MR. BABCOCK: Just so they know.

MR. BETTE: We have that, we're going to put them around the site in the commercial office buildings.

MR. PETRO: Yeah, he's all set. I don't know, Mark, you know more about it than I do, as far as what really needs to be done as far as the visitor parking, so come up with an idea and then we'll review it. You too, Chris.

MR. BETTE: It's our intention to--

MR. PETRO: They're going to be high end brick units up on top of a hill, you have to have parking. Without parking, I think it's crazy.

MR. BETTE: Right, streets cluttered with cars doesn't

sell a unit.

MR. PETRO: We have Plum Point where they have just the one old mansion and we cannot get parking for how many units in the mansion?

MR. BABCOCK: Twelve.

MR. PETRO: And it's an impossibility, working on it for a year and a half.

MR. BABCOCK: One of the things when all the other condo projects were approved the parking requirements were 1.5 and we moved it to 2.5 because of that garage unit.

MR. PETRO: So you were basically in agreement that the one in the garage--

MR. ARGENIO: That puts us at zero increase, correct?

MR. PETRO: Well, if you net that out, yes, but it's really not.

MR. EDSALL: The one was counted in the garage before as well so we've got another one.

MR. BETTE: If we integrate a two car garage product, does that help?

MR. PETRO: I guess. Okay, Chris, you also want us to look at on this map tonight, this is just a conceptual map?

MR. BETTE: Conceptual working on the engineering, you saw this map, very similar to this, in March at the presubmission conference, we tweaked it a little bit, we have improved the constructability of this plan, cuts and fills are much better.

MR. PETRO: We don't know at all how many of these roads are existing now throughout the plan?

MR. BETTE: Just the Town roads.

MR. SCHLESINGER: Jackson Avenue is not a, though, that's the non-existing road.

MR. BETTE: North Jackson Avenue is a Town road, it's, there's some issues.

MR. PETRO: The problem is the line for the road is basically in the center of it and we can't seem to acquire the other portion of it from the state.

MR. SCHLESINGER: So it's a non-operative road.

MR. PETRO: Even though it's existing, I've driven down the road, you can drive down it, it's there, it's just, you can't access it for practical purposes.

MR. BETTE: Today it's used by people in the Terrace Housing, this access point here brings you out from Terrace Housing and they work at the airport and the marines.

MR. PETRO: I don't know why the state wants to own half that road, they won't let it go, I think we had a meeting five years ago and they said they'd get back to us.

MR. ARGENIO: How's that going?

MR. PETRO: Oh, moving right along. I know how the guys from the state are.

FIRST\_COLUMBIA\_SUBDIVISION\_(05-100)

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MR. PETRO: Let's go back to the subdivision.

MR. BETTE: It's a 2 lot subdivision, this is a 50 acre chunk of a larger 112 acre parcel used to be called Parcel A way back when we went through the Environmental Impact Statement, all are familiar with Parcel H, it used to be a lot bigger when we subdivided Parcel H for the road and all that stuff, it got to be 112 acre parcel, this is just 50 acres.

MR. PETRO: Where is the new lot line?

MR. BETTE: New lot line is this boundary highlighted there dark green.

MR. PETRO: Now that will change with the addition of World Trade Way?

MR. BETTE: If we were to integrate World Trade Way into the 50 acre parcel, correct.

MR. PETRO: The line would be on the other side of it.

MR. BETTE: Probably some of this stuff, the line would be moved further away to make the land on this side.

MR. PETRO: That land that's on the bottom of that subdivision there, a purpose for that line, is that following anything?

MR. BETTE: No, we have plans for a commercial office building on this corner.

MR. PETRO: How are we going to do a subdivision on this now if we don't know the actual subdivision layout?

MR. EDSALL: You don't have to do it now, just going to

be two parallel applications, they'll just need to understand they need to have a plat showing the total parcel and then subdividing this out.

MR. PETRO: So whatever you net out of the World Trade Way you're going to take off the bottom down here?

MR. BETTE: Correct.

MR. PETRO: So we have the same 50 acre parcel?

MR. BETTE: Correct.

MR. PETRO: But I see you have no building on this lower end, Chris, why isn't there anything down there?

MR. BETTE: We tried to keep a nice separation between the commercial development and the residential development, it's a hill, it's wooded.

MR. PETRO: All right, well, we're not going to do anything with it tonight, just conceptually.

MR. BETTE: I'd like to discuss the public hearing, I know on every site plan we've had out here we've done a public hearing, I presume we'll be doing a public hearing for this proposal, is there a time and place appropriate for scheduling a public hearing?

MR. PETRO: Well, I would definitely say we're going to have a public hearing but I'd like to see the plan more refined maybe with some topo for the roads more further down the road right now, it's only a sketch plan, no sense of going to a public hearing and showing 311 units if it's going to be 304 and I don't know that number, just using a number to be other than 311 to show the proper delineation of the new lot, so I think the plan really needs to be revised.

MR. ARGENIO: Let me ask you a question. We're talking



about the subdivision and you're talking about the final version of what's going to happen here, am I reading it correctly that you anticipate the need for two separate public hearings?

MR. PETRO: No.

MR. EDSALL: Subdivision doesn't require a public hearing but you could entertain comments on both.

MR. ARGENIO: I thought I saw a note, the planning board should determine if a public hearing will be necessary for a minor subdivision.

MR. EDSALL: It's not mandatory, you can waive it.

MR. PETRO: We're going to have the public hearing on the site plan.

MR. ARGENIO: That makes more sense.

MR. PETRO: Somebody's not going to care whether that line is 3 feet that way or 3 feet the other way, the public hearing is going to be on the condos site plan.

MR. ARGENIO: If I can land my plane. Do we need to have it in the form of a motion to waive the public hearing for the minor subdivision? That's my question.

MR. PETRO: I'm not doing anything tonight.

MR. ARGENIO: That answers my question.

MR. PETRO: Anything about that you don't understand? Just refine the plan, you know what we need and want so that's it.

MR. EDSALL: They need quite a bit more information relative to the, all the grading, dumpster layouts, details, typical layouts with all the landscaping.

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MR. PETRO: I want to have a plan here when you show it to the public that's the plan, this plan could be varied.

MR. ARGENIO: I agree with you.

MR. EDSALL: Utilities and all storm water.

MR. PETRO: Yes, we don't even know those retention ponds are going to be there, you're saying they probably can be there but you're not positive.

MR. ARGENIO: They better be there.

MR. PETRO: Okay, thank you.

REAPPROVAL

OAKWOOD\_TERRACE\_OFFICE\_BUILDING\_(01-61)

MR. PETRO: Reapproval of Oakwood Terrace office building, this is a reapproval.

MR. EDSALL: Mr. Chairman, Myra brought to our attention that this application had its approval expire and by letter they requested a reapproval. Mike and I have checked the zoning, the only item that's changed is that there's now a development coverage maximum of 85 percent, whereas before you could build on 100 percent of the lot. So my suggestion is that you approve it subject to.

MR. EDSALL: Is it within the 85 percent?

MR. EDSALL: Best I can tell. So what I'm suggesting is we approve it subject to them correcting the bulk table, demonstrating that they are 85 percent or less and they pay the reapproval fee.

MR. PETRO: We have calculated developmental coverage 84 percent, very good.

MR. EDSALL: You got a letter in on that already?

MR. PETRO: Yeah.

MR. EDSALL: I asked them to do it at the workshop.

MS. MASON: He hand wrote it on the plans. Is that okay?

MR. EDSALL: We want something on the plan.

MR. PETRO: Okay, Oakwood Terrace office building, this was previously reapproved on 5/8/02, we're going to reapprove it tonight starting from this date.

MR. EDSALL: Yes.

MR. PETRO: And I think as long as they meet the coverage which is 85 percent or less we have no problem with the reapproval and you'll verify that?

MR. EDSALL: Yes.

MR. PETRO: Motion for reapproval.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant reapproval to the Oakwood Terrace office building, Oakwood Terrace running from today's date. Is there any further comments? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion to adjourn?

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE

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MR. ARGENIO  
MR. PETRO

AYE  
AYE

Respectfully Submitted By:

Frances Roth  
Stenographer